

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of) RM-9259
)
Compliance With Applicable Voluntary)
Band Plans in the Amateur Radio Service)

To: The Chief, Private Wireless Division
Wireless Telecommunications Bureau

COMMENTS IN OPPOSITION TO
REQUEST FOR DECLARATORY RULING

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Summary

A licensed amateur radio operator for 46 years, lifetime member of the American Radio Relay League, and experienced modern digital mode operator (the responder) requests that the Commission **reject** all issues in the American Radio Relay League's request for a Declaratory Ruling regarding clarification that "good amateur practice" entails compliance with any voluntary or managed band plan. This responder questions the legality of such Declaratory Ruling, has concern of even-handed implementation and enforcement, and raises questions concerning the negative impact on digital and other modes in the world-wide high frequency over-the-horizon Amateur Radio Service. The responder is specifically concerned about the impact of such action on high frequency ARQ digital modes presently in use and the advancement of that art into the next millennium.

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I have been an active licensed amateur radio operator (amateur - ham) since 1952. I have held the following station licenses: WN8KCN, W8KCN, W5NML, W0LRN and N0IA. I have held an Amateur Extra Class license since 1973. Over the years, most of my on-the-air activities have been in the non-radiotelephone portions of the U.S. high frequency (HF) amateur bands. I have participated in the advancement of the technical, operating, and systematic arts, and have continuously honed my personal operating skills while enjoying my hobby. For the past fifteen years, virtually all of my HF activity has been with digital modes. For the past ten years I have continuously operated an HF digital ARQ mail box and VHF/UHF packet Bulletin Board in direct support of over-the-horizon and local emergency communications preparedness, third party (public service) message traffic services, and the enjoyment of my hobby. Most of this has been in support of programs and activities sponsored by or through the petitioner, The American Radio Relay League ("the League"). I have been a member of the League for more than 40 years, a

Lifetime Member for 25 years, and have served in operating and leadership positions in various and many "field" activities in the League organization.

I am a (recently) retired scientist, have advanced formal education, and for the past eight years served as a Scientific Principal Investigator for a major government-sponsored geoscience project. My work required that I have an understanding of data communications techniques, applications, and systems.

In its petition the League identifies itself as "*the* national association of amateur radio operators" (emphasis supplied). The League is not the *only* national association of radio amateurs. Additionally, and notably, the League is a political organization made up of a diverse membership, and does not enjoy majority support of its members on every endeavor it undertakes. I applaud the League for its potential, but not for each of its actions.

I submit the following comments in opposition to the Request for Declaratory Ruling made by the League in the referenced Rule Making. I would also as vigorously oppose any petition for formal change in the Commission's Rules which would further subdivide the HF amateur bands.

1. It is likely such delegation of authority for establishing, and potential pseudo policing, of "band plans" to a non-government authority is not legal and would not be sustained through the courts. The Commission might quickly and summarily dismiss the petition upon review.

2. Implementation would be confusing at best, and effective enforcement impossible due to the proliferation of operating modes and operating interests which must share the all too narrow

HF amateur bands. This is exacerbated by the international aspect of band sharing in the HF bands.

3. Elevating a band plan from an agreement among gentle persons to rule status would generate excessive sub band "edges," "no man zones" of several kilohertz where operating would be tenuous at best, thus effectively reducing the precious bandwidth presently assigned to the world wide amateur community.

4. Entrusting responsibility for sub band assignment outside governmental authority would result in special interest groups posturing for control, if not defacto ownership, of amateur frequencies, which flies in the face of the amateur tradition of frequency sharing. Whose (which group) band plan will be adopted? Who will decide? Will it be made, politically, or (covertly) commercially driven?

5. Advancement of the art, (i.e. experimentation with or introduction of new modes, digital and otherwise), would be impaired as the "band plan" would need to accommodate such activities, or be modified prior to testing and implementation.

6. The petitioner asserts that such band plans would be ". . . amended from time to time though the cooperative efforts . . .". "Cooperative efforts" among and between organizations is fraught with political overtones leading to inaction; a bag of worms best left to individual operators trying their best to establish and maintain communications within limited, but authoritative guidelines.

7. In its petition the League expresses concern over interference issues resulting from non adherence to a band plan. In the HF bands, amateurs have a long history of both interfering with each other and of resolving these interference issues by application of good amateur practice. Listening before transmitting, and moving to a different frequency or band to avoid interference from or interfering to others is not only good amateur practice, it is good common sense. Adoption of a complex band plan with regulatory teeth would not eliminate interference per se. Interference issues would more likely escalate due to "ownership" of a sub band, rather than be dissipated throughout the spectrum as is now the case. I see no need for encumbering Part 97 with additional verbiage which will not improve implementation or enforcement.

8. The League expresses concern over malicious interference, and rightfully so. However, this form of spectrum vandalism is venomous and mocks the rules, no matter how many rules are employed. Therefore, the petitioner's implication that rule-mandated band plans would somehow provide new insight to "rogue operators" and mitigate these horrific issues is a stretch at best.

9. Through example, the League implies precedent wherein the Wireless Telecommunications Bureau referred to a (League-) published band plan which, if not followed, ostensibly indicates example of poor amateur practice. This example is not germane to the petitioner's plea. The Commission must consider the salient differences between legitimate need(s) for band plans in the VHF/UHF line of sight and in the HF over-the-horizon cases. Application and implementation of band plans, voluntary or mandatory, takes on completely different aspects in these two diverse cases; one size does not fit all.

VHF/UHF activities normally include a county-wide area in hundreds of square miles, while HF activity is truly region- and world-wide. Much of the concern in the VHF/UHF case has been with repeater and remote operations which may not be under real time and immediate operator control. Safeguards in the form of band plans have been employed to mitigate mutual line of sight interference between stations within the same geographic area or district.

Most operation in the HF segments is under immediate operator control where interference issues may be addressed in real time through application of good operating practice. In the past few years automatic (i.e. unattended) stations under computer or firmware control ("packet" bulletin boards and ARQ Mail Boxes) have been authorized in sub bands in the lower portions of the HF amateur bands. Mode protocol (packet) and/or software controls (ARQ) are employed to minimize to the point of eliminating interference to on-frequency activity prior to an unattended automatic call between computer-controlled stations. In the case of ARQ modes, automatic controls are now available to minimize or eliminate interference to on-going activity in other modes, including nearly any coherent signal within the receiver passband. Neither band plan or regulatory intervention were needed to resolve these issues; Necessity, the Mother of Invention was all that was required.

The Commission is advised to consider the defacto Amateur's Mantra which has been promoted by the League essentially since the third ham put his spark station on the air, and which has served The Amateur Service better than any other technique:

If the frequency is in use, don't use it.

10. In its **ARGUMENT**, the League has not clearly indicated concern over pressing and existing problems; there are no specific issues presented which require immediate adjudication. In the modern vernacular:


If it ain't broke, don't fix it.

I respectfully request the Commission consider these pleas and dismiss and reject en toto without prejudice and *sine die* the request by the League In the Matter of RM-9259.

Respectfully submitted,

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